

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 7124**

**BILL NUMBER:** SB 567

**NOTE PREPARED:** Jan 16, 2011

**BILL AMENDED:**

**SUBJECT:** Sentencing for Crimes with a Firearm.

**FIRST AUTHOR:** Sen. Mrvan

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State

**Summary of Legislation:** The bill provides that a person serving a sentence for a crime that involved the use of a firearm does not earn credit time.

**Effective Date:** July 1, 2011.

**Explanation of State Expenditures:** The bill could add to the term of incarceration for offenders sentenced for crimes that involve the use of a firearm.

**Background:** There are three crimes that specifically include use of a firearm:

- IC 35-44-3-3.5 (Disarming a Law Enforcement Officer), a Class C felony
- IC 35-48-4-6 (Possession of cocaine or a narcotic), a Class C felony
- IC 35-48-4-6.1 (Possession of methamphetamine), a Class C felony

However, for the two drug offenses, possession of more than 3 grams is also a Class C felony. There is no available data to distinguish the reason for the conviction, so the number of offenders may be overstated in this analysis.

In a one-day survey of the state prison population on January 13, 2011, there were 287 offenders convicted of an offense that includes use of a firearm. The difference between the maximum possible release date and

the earliest possible release date for these offenders was, on average, 2.1 years per offender. State expenditures would increase if an offender is incarcerated in a state prison for a longer period of time because the offender cannot earn credit time. More offenders could mean increased costs to the Department of Correction (DOC).

The average expenditure to house an adult offender was \$19,307 in FY 2010. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the incremental cost for medical care, food, and clothing is approximately \$4,818 annually, or \$13.20 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$68,260 in FY 2010. The cost for this number of offenders (287) to remain incarcerated for an additional 2.1 years would be about \$11.6 M.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:**

**Information Sources:** Department of Correction.

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